

**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	
Inventors: Lawrence WILCOCK	: Confirmation No. 1499
	:
U.S. Patent Application No. 09/977,500	: Group Art Unit: 2157
	:
Filed: October 16, 2001	: Examiner: Barbara N. BURGESS
For: ASSOCIATING PARTIES WITH COMMUNICATION SESSIONS	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

**BRIEF ON APPEAL**

This brief is in furtherance of the Notice of Appeal, filed in this case on May 29, 2007.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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**I. Real Party in Interest**

The real party in interest is Hewlett-Packard Development Company, L.P., a Texas limited partnership.

**II. Related Appeals and Interferences**

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

**III. Status of Claims**

**A. Total Number of Claims in Application**

There is a total of 24 claims in the application, which are identified as claims 1-22 and 25-26.

**B. Status of all the claims**

1. Claims cancelled: claims 23-24
2. Claims withdrawn from consideration but not cancelled:
3. Claims pending: claims 1-22 and 25-26.
4. Claims allowed:
5. Claims rejected: claims 1-22 and 25-26.

**C. Claims on Appeal**

Claims on appeal are claims 1-22 and 25-26.

**IV. Status of Amendments**

There are no outstanding un-entered amendments before the Examiner.

## **V. Summary of Claimed Subject Matter**

The present invention relates generally to a method and service system for associating parties with communication sessions.

### **Claim 1**

In accordance with a method embodiment, the present claimed subject matter of claim 1 comprises a method of establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system. Specification at at least page 2, line 25 through page 3, line 5 and page 20, line 5 through page 21, line 6 and Figure 6.

The present claimed subject matter comprises processing a communication request received at the service system on the basis of information associated with the request. Specification at at least page 20, lines 10-13.

The processing of the present claimed subject matter comprises selecting by the service system, from a pool of current communication sessions, an appropriate session for the communication requested based on comparing session information of one or more of the current communication sessions with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session. Specification at at least page 20, line 16 through page 21, line 2 and page 21, line 8 through page 25, line 31.

The processing of the present claimed subject matter also comprises selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created supra. Specification at at least page 21, lines 3-6 and page 26, line 1 through page 27, line 2.

One or more advantages are achieved by the present invention as recited in the method of independent claim 1 which provides: "A method of establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system, the method comprising: processing a communication request received at the service system on the basis of information associated with the request, said processing including: (a) selecting by the service system, from a pool of current communication sessions, an appropriate session for the communication requested based on comparing session information of one or more of the current communication sessions with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session; and (b) selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created in step (a)."

#### Claim 6

In accordance with a method embodiment, the present claimed subject matter of claim 6 comprises a method of establishing communication over a data network between endpoint systems using a service system that can set up a communication

session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system as set forth in claim 1 above.

The present claimed subject matter also comprises wherein the service system is associated with a contact center, and said pool of available parties includes a pool of available customer service representatives. Specification at at least page 22, lines 11-19, page 70, lines 25-26, and Figure 7, elements 72-74 and Figures 20-21.

One or more advantages are achieved by the present invention as recited in the method of independent claim 6 which provides: "A method according to claim 1, wherein the service system is associated with a contact center, and said pool of available parties includes a pool of available customer service representatives."

#### Claim 17

In accordance with a service system of an apparatus embodiment, the present claimed subject matter of claim 17 comprises a session entity for establishing communication sessions and controlling the joining of endpoint entities to each communication session. Specification at at least page 5, lines 13-24, page 11, line 15 through page 12, line 2, page 14, line 10 through page 15, line 18, and Figure 1, elements 12A-12C and 11.

The service system of the present claimed subject matter also comprises a transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism being arranged for allowing the exchange of

data across a network between endpoint entities joined to the session. Specification at at least page 5, line 25 through page 6, line 14, age 8, line 26 through page 9, line 18 and Figures 2, 26, 27, element 15, Figure 3, element 19.

The service system of the present claimed subject matter also comprises a request-handling means for receiving and processing a communication request to join a requesting endpoint entity into an appropriate session with another endpoint entity on the basis of information associated with the request. Specification at at least page 20, line 10 through page 26, line 21 and Figure 6, elements 26, 35, 37, and 46 and Figures 7 and 8, element 69.

The request-handling means of the present claimed subject matter comprises session-routing means for selecting, from a pool of current communication sessions, an appropriate session for the communication requested based on a comparison of session information of one or more of the current communication sessions with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session. Specification at at least page 20, line 10 through page 21, line 2 and Figure 6, elements 26, 35, 37, and 46.

The request-handling means of the present claimed subject matter also comprises participant-routing means for selecting, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created by the session-routing means. Specification at at least page 21, line 3-6, and lines 19-25, page 24, line 28 through page 25, line 25, page 26, lines 1-21, and Figure 6, element 26, 37.

One or more advantages are achieved by the present invention as recited in the apparatus of independent claim 17 which provides: "A service system comprising: a session entity for establishing communication sessions and controlling the joining of endpoint entities to each communication session; a transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism being arranged for allowing the exchange of data across a network between endpoint entities joined to the session; and request-handling means for receiving and processing a communication request to join a requesting endpoint entity into an appropriate session with another endpoint entity on the basis of information associated with the request, the request-handling means including: session-routing means for selecting, from a pool of current communication sessions, an appropriate session for the communication requested based on a comparison of session information of one or more of the current communication sessions with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session; and participant-routing means for selecting, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created by the session-routing means.

#### Claim 21

In accordance with an apparatus embodiment, the present claimed subject matter of claim 21 comprises a service system as set forth in claim 17 above.

The present claimed subject matter also comprises said pool of available including being a pool of available customer service representatives. Specification at at



least page 22, lines 11-19, page 70, lines 25-26, and Figure 7, elements 72-74 and Figures 20-21.

One or more advantages are achieved by the present invention as recited in the method of independent claim 6 which provides: "A contact center including a service system according to claim 17, said pool of available including being a pool of available customer service representatives."

**VI. Grounds of Rejection to be Reviewed on Appeal**

**A. The issue is whether the Examiner was correct in rejecting claims 1-5, 7-20, 22, and 25-26 under 35 U.S.C. 103(a) as being obvious over *Porter* (US 6,434,599) in view of *Grimm et al.* (US 5,828,843).**

**B. The issue is whether the Examiner was correct in rejecting claims 6 and 21 under 35 U.S.C. 103(a) as being obvious over *Porter* in view of *Grimm et al.* further in view of *Cave* (US 5,958,014).**

## VII. Argument

### A. Was the Examiner correct in rejecting claims 1-5, 7-20, 22, and 25-26 under 35 U.S.C. 103(a) as being obvious over *Porter* (US 6,434,599) in view of *Grimm et al.* (US 5,828,843)?

The rejection of claims 1-5, 7-20, 22, and 25-26 under 35 USC 103(a) as being unpatentable over *Porter* in view of *Grimm* is hereby traversed. For at least three reasons, claim 1 is patentable over *Porter* in view of *Grimm* and the rejection is respectfully requested to be reversed.

1. *Porter* fails to disclose selecting a specific party and associated endpoint system as claimed in claim 1

The PTO asserts that *Porter* discloses selecting by the service system a specific party and associated endpoint system to join the session selected or created in step (a) as claimed in claim 1 at column 4, lines 34-37, 51-55, column 5, lines 65-67, column 6, lines 1-5, column 7, lines 1-10, 23-27. This is incorrect.

The PTO-identified portion of *Porter* at column 4, lines 34-37 and 51-55, reproduced herein for ease of reference, states as follows:

Furthermore, users/client computers 102/112,1041114, and 1061116 are enabled to describe the visiting users as well as himself/herself, when initiating the dynamic formation of the chat session.

. . .

At 302, one of visiting users initiates the dynamic formation of a chat session, by expressing his/her desire to chat with other visiting users.

The above portion appears to describe a user “initiating . . . formation of the chat session” and “expressing his/her desire to chat with other visiting user” **without** describing selecting a specific party and associated endpoint system.

The PTO-identified portion of *Porter* at column 5, line 65 through column 6, line 5, reproduced herein for ease of reference, states as follows:

The "describe" script/applet is employed to provide a mechanism for the initiating user to describe the visiting users of interest, as well as himself/herself. In one embodiment, the "describe" script/applet includes pre-selected demographic and other interest characteristics for the user to provide the description through a "selection" process. The "describe" script/applet is also provided to the user as an integral part of providing the responding information page.

The above portion appears to describe a script/applet which a user uses to describe "visiting users of interest, as well as himself/herself", and providing "pre-selected demographic and other interest characteristics for the user" without describing selecting a specific party and associated endpoint system.

The PTO-identified portion of *Porter* at column 7, lines 1-10, 23-27, reproduced herein for ease of reference, states as follows:

the "describe" script/applet (through operating system display services) presents "other visiting users" description dialog 602 for the initiating user to describe the other visiting users with whom the initiating user is interested in chatting. As shown, for the illustrated embodiment, "other visiting users" description dialog 602 includes a number of "drop down" lists for the initiating user to specify a number of demographic and interest characteristics. In alternate embodiments, other approaches, e.g. free form, for the initiating user to describe the other visiting users with whom he/she is interested in chatting with may be employed instead.

...

Upon completion, at 616, the "describe" script/applet returns the descriptions collected to the "initiate" script/applet. In some implementations, the descriptions may be effectively returned by return a pointer to the description data to the "initiate" script/applet.

The above portion appears to again describe the script/applet which a user uses to describe "other visiting users with whom the initiating user is interested in chatting", and providing "a number of 'drop down' lists for the initiating user to specify a

number of demographic and interest characteristics” without describing selecting a specific party and associated endpoint system. Further the above portion appears to describe the script returning the “descriptions collected” from the user, however, *Porter* appears to describe that the system “present[s] [visiting users] with the descriptions describing the initiating user as well as his/her interest” and polls the visiting user whether they consent to chat with the initiating user. That is, *Porter* fails to disclose or suggest the claimed selecting by the service system, a specific party and associated endpoint system to join the session selected or created as claimed in claim 1. For at least this reason, claim 1 is patentable over *Porter* in view of *Grimm* and reversal of the rejection is in order.

Further still, the PTO has previously identified that in *Porter* the users receiving chat invitations decide whether to join a chat session. See the FOA mailed July 27, 2005 at page 9, section 5.(a) “other users decide whether to consent to a chat session” and page 10, section 5.(b) “users decide whether they would like to consent to chat with the initiating user.” In the *Porter* system, it appears that **the existing chat participants, through acceptance or rejection of a new visitor, determine the chat session** to which the new visitor is joined and which parties are in the session with the new visitor. *Porter* fails to disclose a service system selecting an appropriate session for the communication requested as claimed in the present claimed subject matter. For at least this reason, reversal of the rejection is respectfully requested.

2. *Grimm* fails to disclose selecting a specific party and associated endpoint system as claimed in claim 1

Second, *Grimm* fails to disclose selection by the service system of a specific party and associated endpoint system to join the session selected or created in the preceding step. Similar to *Porter*, *Grimm* appears to describe a system in which a user determines whether to join a session without the system selecting the user to join the session selected or created. For example, FIG. 2 of *Grimm* appears to depict a user CL2 requesting a list of game offers from the server MM and not the other way round. For at least this reason, *Grimm* fails to cure the above-noted deficiency of *Porter* and claim 1 is patentable over the asserted combination.

3. *Porter* fails to disclose selecting a session followed by selecting a party as claimed in claim 1

Third, *Porter* fails to disclose the claimed order of selecting or creating an appropriate session followed by selecting a specific party and associated endpoint system to join the selected or created session. As set forth above, none of the PTO-identified portions of *Porter* appear to describe selecting or creating a session followed by selecting a party to join to the session.

*Porter* appears to describe polling, in response to a user request, “all other current visitors” to find any of the visitors which consent to chat with the requesting user. *Porter* at column 8, lines 24-33. Thus, the *Porter* system, alone or in conjunction with *Grimm*, fails to select or create a session for which the system **then**

selects a specific party to be joined. For at least this reason, reversal of the rejection is respectfully requested.

For each of the foregoing reasons, claim 1 is patentable over *Porter* in view of *Grimm* and the rejection is respectfully requested to be reversed.

Claims 2-5, 7-16, 22, and 25 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over *Porter* in view of *Grimm* for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-5, 7-16, 22, and 25 should be reversed.

Claim 17 is patentable over *Porter* in view of *Grimm* for at least reasons similar to those advanced above with respect to claim 1 and the rejection is respectfully requested to be reversed.

Claims 18-20 and 26 depend, either directly or indirectly, from claim 17, include further limitations, and are patentable over *Porter* in view of *Grimm* for at least the reasons advanced above with respect to claim 17. The rejection of claims 18-20 and 26 should be reversed.

**B. Was the Examiner correct in rejecting claims 6 and 21 under 35 U.S.C. 103(a) as being obvious over *Porter* in view of *Grimm et al.* further in view of *Cave* (US 5,958,014)?**

Claims 6 and 21 are patentable over *Porter* in view of *Grimm* and further in view of *Cave* (US 5,958,014)

The rejection of claims 6 and 21 under 35 USC 103(a) as being unpatentable over *Porter* in view of *Grimm* and *Cave* is hereby traversed. Claims 6 and 21 are patentable over *Porter* in view of *Grimm* and *Cave* for at least their dependence on claims 1 and 17. *Cave* fails to cure the above-noted deficiencies of *Porter* and *Grimm*. That is, *Cave* fails to disclose either selection of a session or selecting a session followed by selecting a party as set forth above with respect to claim 1. For at least this reason, reversal of the rejection is respectfully requested.



**VIII. Conclusion**

Each of the PTO's rejections has been traversed. Appellant respectfully submits that all claims on appeal are considered patentable over the applied art of record. Accordingly, reversal of the PTO's Final Rejection is believed appropriate and courteously solicited.

If for any reason this Appeal Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Appellant's attorney of record.

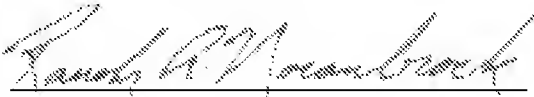
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Reversal of the rejections is in order.

Respectfully submitted,

**Lawrence WILCOCK**

By:

  
Randy A. Noranbrock  
Registration No. 42,940  
Telephone: 703-684-1111

**HEWLETT-PACKARD COMPANY**

IP Administration  
Legal Department, M/S 35  
P.O. Box 272400  
Fort Collins, CO 80528-9599  
Facsimile: 281-926-7212  
Date: **June 28, 2007**  
RAN/

**IX. Claims Appendix**

**1.** A method of establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system, the method comprising:

processing a communication request received at the service system on the basis of information associated with the request, said processing including:

(a) selecting by the service system, from a pool of current communication sessions, an appropriate session for the communication requested based on comparing session information of one or more of the current communication sessions with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session; and

(b) selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created in step (a).

**2.** A method according to claim **1**, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information input by a party associated with an endpoint system generating the communication request.

**3.** A method according to claim **1**, wherein the communication request is made by a party through an associated endpoint system, said information associated with

the communication request including information about a topic of interest to the party, the information being derived from the identity or content of information pages served to that party from an information page server.

4. A method according to claim 1, wherein the communication request is made by a party through an associated endpoint system and includes an identifier of that party, said information associated with the communication request including information obtained by the service system as a result of accessing a party-profile database using the party identifier.

5. A method according to claim 1, wherein a first endpoint system wishing to communicate with a second endpoint system appropriate to a target subject sends a communication request to the service system with information identifying itself and describing the target subject, the service system carrying out steps (a) and (b) to provide an appropriate communication session and select an appropriate second endpoint system, the service system inviting the selected first and second endpoint systems into the communication session.

6. A method according to claim 1, wherein the service system is associated with a contact center, and said pool of available parties includes a pool of available customer service representatives.

7. A method according to claim 1, wherein in setting up a communication session, the service system creates a respective service session functional entity which,

when joining an endpoint system to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint system or an associated proxy, said endpoint system or associated proxy then using the connection details to connect to the transport mechanism.

**8.** A method according to claim **7**, wherein the service session functional entity comprises a session instance with generic behaviour capable of adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behaviour capable of determining when the session instance is to add and remove endpoint systems.

**9.** A method according to claim **1**, wherein in setting up a communication session, the service system creates a respective service session functional entity comprising a session instance with generic behaviour capable adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behaviour capable of determining when the session instance is to add and remove endpoint systems.

**10.** A method according to claim **1**, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types, between endpoint systems joined to the communication session.

**11.** A method according to claim **10**, wherein the endpoint systems include web browser functionality, the service system includes functionality, and the transport mechanism includes channels for at least two of the following: text chat; follow-me page-push; and packetized voice.

**12.** A method according to claim **7**, wherein the transport mechanism associated with a communication session includes multiple data transfer channels for different media types between endpoint systems joined to the communication session, the connection details passed to an endpoint system or its proxy comprising details of the media channels associated with the communication session, and the endpoint system or its proxy using these details to establish corresponding media channel connections to the transport mechanism.

**13.** A method according to claim **7**, wherein the state of connection of an endpoint system to the transport mechanism is signaled to the service session functional entity by leg messages passed between a leg controller of the endpoint system or its proxy and a corresponding leg controller of the service session functional entity.

**14.** A method according to claim **7**, wherein an endpoint system or its proxy to be joined to a communication session already has connection functionality for joining and participating in a communication session, the service session functional entity of the communication session to which the endpoint system is to be joined inviting this endpoint system into the session by sending said connection details to the connection functionality of the system or its proxy.

**15.** A method according to claim **7**, wherein the service session functional entity of the communication session to which an endpoint system is to be joined invites said endpoint system into the session by sending both connection functionality for joining and participating in a communication session and said connection details.

**16.** A method according to claim **14**, wherein the connection details and functionality are sent in association with a web page served by the service system.

**17.** A service system comprising:

a session entity for establishing communication sessions and controlling the joining of endpoint entities to each communication session;

a transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism being arranged for allowing the exchange of data across a network between endpoint entities joined to the session; and

request-handling means for receiving and processing a communication request to join a requesting endpoint entity into an appropriate session with another endpoint entity on the basis of information associated with the request, the request-handling means including:

session-routing means for selecting, from a pool of current communication sessions, an appropriate session for the communication requested based on a comparison of session information of one or more of the current communication sessions

with information associated with the communication request and, where no appropriate session currently exists, creating a new appropriate session; and

participant-routing means for selecting, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created by the session-routing means.

**18.** A system according to claim **17**, wherein said information associated with the communication request includes information arranged to be input by a party associated with an endpoint system for generating the communication request, the request-handling means including means for extracting this information from the request.

**19.** A system according to claim **17**, wherein said information associated with the communication request includes information about a topic of interest to a party, the service system including means for deriving said information about a topic of interest from the identity or content of information pages served to said party from an information page server.

**20.** A system according to claim **17**, wherein the communication request is arranged to be made by a party through an associated endpoint system and includes an identifier of said party, the service system including a party-profile database and said information associated with the communication request including information arranged to be obtained by the service system as a result of accessing the party-profile database using the party identifier.

**21.** A contact center including a service system according to claim **17**, said pool of available including being a pool of available customer service representatives.

**22.** A processor arrangement for performing the method of claim **1**.

**25.** A system according to claim 1, wherein the information associated with the communication request comprises initiation context information.

**26.** A system according to claim 17, wherein the information associated with the communication request comprises initiation context information.



**X. Evidence Appendix**

None.

**XI. Related Proceedings Appendix**

None.